

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GAN SHI LU,

Plaintiff,

v.

ANDREW WEINBERGER,

Defendant.

:
: Civil Case No. 13-1837
: (FSH) (JBC)
:
: **ORDER**
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: May 20, 2014
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HOCHBERG, District Judge:

This matter comes before the Court upon the Report and Recommendation of the Honorable James B. Clark, III, United States Magistrate Judge, filed on May 2, 2014 [Docket No. 37] regarding the Court's Order to Show Cause why Defendant's Answer should not be stricken for failure to comply with the Court's discovery Orders; and

it appearing that Magistrate Judge Clark conducted an in-person hearing, which Defendant failed to attend, regarding the discovery Plaintiff sought and Defendant's repeated refusal to produce discovery materials over a five-month period; and

it appearing that, after the hearing, Judge Clark submitted a Report and Recommendation finding that Defendant's Answer should be stricken and that default be entered against Defendant; and

it appearing that the Report and Recommendation adequately develops the factual record, documenting Defendant's failure to appear when required, respond to discovery requests, and comply with the Court's Orders; and

it appearing that the Report and Recommendation properly applied the six-factor test established by the Third Circuit in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863, 868 (3d Cir. 1984), and appropriately concluded that Defendant's knowing failure to meet any of his discovery obligations warranted striking Defendant's Answer and directing the Clerk to enter default against Defendant; and

the Court having reviewed the Report and Recommendation de novo pursuant to 28 U.S.C. § 636 and L.Civ.R. 72.1; and having received no objections pursuant to L.Civ.R. 72.1(c)(2); and for good cause shown;

IT IS this 20th day of May, 2014, hereby
ORDERED that the Report and Recommendation of Magistrate Judge Clark filed on May 2, 2014 [Docket No. 37], is **ADOPTED** in its entirety.

IT IS SO ORDERED

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.